

**NOMINATIONS OF THE 108th CONGRESS,
FIRST SESSION**

HEARING
BEFORE THE
COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE
ONE HUNDRED EIGHTH CONGRESS
FIRST SESSION
ON

APRIL 1, 2003

RICHARD W. MOORE, TO BE INSPECTOR GENERAL OF THE
TENNESSEE VALLEY AUTHORITY

RICKY DALE JAMES AND REAR ADM. NICHOLAS A. PRAHL, TO BE
MEMBERS OF THE MISSISSIPPI RIVER COMMISSION

JOHN PAUL WOODLEY, JR., TO BE ASSISTANT OF THE ARMY FOR
CIVIL WORKS

ROBERT BOLDREY, MALCOLM B. BOWEKATY, HERBERT GUENTHER,
RICHARD NARCIA, AND BRADLEY UDALL, TO BE MEMBERS OF THE
BOARD OF VISITORS OF THE MORRIS K. UDALL SCHOLARSHIP AND
EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION



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ONE HUNDRED EIGHTH CONGRESS
FIRST SESSION

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NOMINATIONS OF THE 108TH CONGRESS, FIRST SESSION

TUESDAY, APRIL 1, 2003

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 9:30 a.m. in room 406, Senate Dirksen Building, Hon. James M. Inhofe [chairman of the committee] presiding.

Present: Senators Inhofe, Jeffords, and Carper.

OPENING STATEMENT OF HON. JAMES M. INHOFE, U.S. SENATOR FROM THE STATE OF OKLAHOMA

Senator INHOFE. Good morning. The hearing will come to order. I would ask that our nominees be seated.

The purpose of today's hearing is to consider the President's nominees for the position of the TVA, the Mississippi River Commission, and the Department of the Army.

Mr. Richard Moore has been nominated by the President to be Inspector General of the Tennessee Valley Authority. It was set up by the U.S. Congress in 1933 primarily to provide flood control, navigation, and electric power in the Tennessee Valley region. It is now the Nation's largest public power producer as well as the steward of the Nation's fifth largest river system.

Mr. Moore has been an Assistant U.S. Attorney in the Southern District of Alabama since 1985. I won't say anything more about him. We have Jeff Sessions here to elaborate a little bit on that.

The committee will also hear Mr. R.D. James who has been nominated to serve as a member of the Mississippi River Commission. Since the flood of 1928, the primary function of the seven-member Mississippi River Commission has been to implement, construct, and operate the Mississippi River and tributaries project. Mr. James has been a member of the Commission since 1981 and has been nominated to serve a third term. He is currently the General Manager of A.C. Riley Cotton Company in New Madrid, Missouri.

Where is New Madrid, Missouri?

Mr. JAMES. It is in the boot hill southeastern corner of Missouri, right on the Mississippi River. It is the little part that looks like it should have been Arkansas.

Senator INHOFE. Near Cape Girardeau.

Mr. JAMES. Fifty miles south of Cape Girardeau.

Senator INHOFE. Good. I used to go up there to the aircraft auctions once a month.

Our final nominee under consideration today is Mr. John Paul Woodley, nominated to serve as the Assistant Secretary of the Army for Civil Works. Mr. Woodley was unanimously approved by the Armed Services Committee last week and was immediately referred to this committee. He has been serving as the Assistant Deputy Under Secretary of Defense for Installations and Environment since October 2, 2001.

If confirmed, Mr. Woodley would be in charge of the Army Corps of Engineers. The Corps has provided a valuable service to this Nation for the last 200 years. It has supported our troops in every armed conflict in our Nation's history, including the current operation in Iraq. The Corps has also been instrumental in the creation of the most dynamic inland waterway system in the world.

I want to thank all of you for being here today. This is going to be a very short meeting. At the present time we are also having a meeting of the Senate Armed Services Committee to consider the encroachment issue which this committee is going to be looking into next week. We will keep this fairly short.

I now refer to Senator Sessions for any comments he might want to make.

**STATEMENT OF HON. JEFF SESSIONS, U.S. SENATOR FROM
THE STATE OF ALABAMA**

Senator SESSIONS. Thank you, Mr. Chairman.

Thank you for allowing me to have these words. We appreciate your leadership of this committee. I enjoyed my tenure with you before, serving on your subcommittee. Now you chair the full Committee on Environment and Public Works. I am proud of you and thankful that your values will be brought to bear on the issues facing our country.

Richard Moore, I think, is one of America's finest public servants. He joined the United States Attorney's Office when I was U.S. Attorney. He demonstrated extraordinary capacity for work, for ability to try complex cases. He had a good background, including graduating from Spring Hill College in Mobile, an excellent Jesuit college. He went to high school in Mobile, and went to Cumberland Law School where I attended school and where my daughter attended law school. He has done a terrific job.

He was named Senior Litigation Counsel in the office. That position is a real honor. One percent of the prosecutors in the country are named Senior Litigation Counsel. It represents a confidence that that attorney is capable of handling and is, in fact, a litigator of some of the most important cases around. He is now serving as Coordinator in the U.S. Attorney's Office of the Anti-Terrorism Task Force. That is an important new role of the United States Attorney's offices. Twenty-five Federal agencies work together in the Southern District of Alabama to plan the antiterrorist effort.

He had an interesting opportunity several years ago. In 1997-1998 he went to Oxford, England, as part as a fellowship to Oxford University. He spent a good bit of time there and lectured on the prosecution of serious fraud in the United States and England.

Mr. Chairman, there was a matter that came up before this Senate involving Allen Teal and insurance fraud. It was being investigated in several districts around the country. I assigned Richard

Moore to investigate and prosecute the case, if appropriate, in our district. Within 6 months, he had Allen Teal under indictment. That turned out to be at the time probably the largest insurance case in American history, \$50 million or more in losses. Senator Sam Nunn's committee had had repeated hearings on these matters.

He is a churchman, and a man of integrity and ability. I am delighted that he is taking over this challenge at TVA. Just to show you how big TVA is, Mr. Chairman, they have a debt of \$25 billion. This IG has great potential to bring discipline, credibility, and integrity to the highest possible levels in TVA. I think they can achieve that. Richard will be an extraordinary leader. He has a wonderful wife, Elizabeth Ann. I am proud of them.

I thank you, Mr. Chairman, for giving me the opportunity to say something about my good friend, Richard Moore. He is the kind of person that you would be proud to have in your home for supper with your family and the kind of person all of us are proud to see in public service.

Thank you very much.

Senator INHOFE. Thank you, very much, Senator Sessions. I can tell you that comes from the heart.

I have a statement that I was asked by Senator Bond who could not be here. I will place his statement in the record.

[The prepared statement of Senator Bond follows:]

STATEMENT OF HON. CHRISTOPHER S. BOND, U.S. SENATOR FROM THE STATE OF MISSOURI

Mr. Chairman, I appreciate your holding this hearing during such a busy work period and I am grateful for your leadership and support on issues that relate to the Corps of Engineers. In particular, I welcome an able nominee and very highly regarded constituent, Mr. R.D. James who was recommended by Senator Lincoln from Arkansas and myself. Mr. James is a great advocate for the Corps and the people who the Corps serves on the Mississippi River and he has an acute understanding of the issues that relate to water resources management. In addition, R.D. is a good and trusted friend and I hope the committee gives him a warm welcome and moves his nomination with dispatch because he is eager to go back to work.

The Corps is a trusted and critical partner to our communities, farmers, shippers, energy providers and others. Historic investment in Corps programs by visionaries of the past has yielded dramatic economic stimulus to our communities. The numbers speak for themselves.

Every year, Congress yields a referendum on the value of the Corps by making hundreds of individual project-by-project requests and additions to the Energy and Water Appropriations bill because the demand for these investments is high and its support is bipartisan and broad-based. The Corps does not undertake any projects that are not first authorized and then appropriated by Congress.

Regrettably, while we have elevated these investments over Administration requests, more is necessary and I look forward to working with the Chairman to ensure that the mission of the Corps remains not just viable but active. Further, I believe it is past time to make the kind of long-term investments that will do justice to the legacy of those forward-thinkers who have provided for our economic opportunity. The decisions today will be the basis for our competitiveness for our children and grandchildren and I have no intention of rolling back our commitment to their future.

When confirmed, Mr. Woodley will have a big job ahead of him that will test his skill and test his spine. It will require him to weigh competing views from passionate stakeholders to solve problems and ultimately make decisions and stand by them. The Corps is the Agency with the responsibility to represent not just fish and wildlife and not just producers and not just recreational fishermen. They have to balance all needs which is why they are in the vortex of controversy. Their job is made more difficult by the unwillingness of Congress to debate and identify priorities. Consequently, the Corps has been under a great deal of fire from people who

don't get their way. With the Corps under increasing pressure to make difficult decisions, strong leadership is necessary to protect the role of the Corps and to ensure that the Agency is represented when inter-agency struggles arise. Few people want the job of Assistant Secretary but plenty of people in the Administration want to run the Corps from other Agencies.

There are dozens of issues that must be disposed of. Returning some certainty to the Missouri River Master Manual management is critical. The review began in the 1980's with no resolution. President Clinton and his Administration studied, proposed, withdrew, and re-studied this matter for 8 years without resolution. A decision needs to be made to remove the uncertainty which is stifling investment and perpetuating political unrest in the basin communities.

In the period after confirmation, I look forward to the opportunity to make the case on those issues critical to Missouri.

Senator INHOFE. First of all, before asking each one of you to make a comment, I have one required question to ask of each one of you. I will ask the question and ask each one of you to answer this individually.

First, are you willing to appear at the request of any duly constituted committee of Congress as a witness?

Mr. Woodley?

Mr. WOODLEY. Yes, Mr. Chairman.

Senator INHOFE. Mr. Moore?

Mr. MOORE. Yes, Mr. Chairman.

Senator INHOFE. Mr. James?

Mr. JAMES. Yes, sir; I do, Mr. Chairman.

Senator INHOFE. All right. Do you know of any matters which you may or may not have thus far disclosed which might place you in any conflict of interest if you are confirmed to this position?

Mr. WOODLEY. I do not, Mr. Chairman.

Mr. MOORE. I do not, Mr. Chairman.

Mr. JAMES. I do not.

Senator INHOFE. All right. Thank you very much.

I now defer to Senator Jeffords for any opening comments he might want to make.

Senator JEFFORDS. I do have a few questions, I believe.

Senator INHOFE. Do you have an opening statement?

Senator JEFFORDS. No, I don't.

Senator INHOFE. All right. Do you have any statement you would like to make concerning this position?

STATEMENT OF JOHN PAUL WOODLEY, JR., TO BE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

Mr. WOODLEY. Mr. Chairman, in addition to the written statement that I have submitted, I would like to take this opportunity if I may to introduce to the Senate my wife, Priscilla and my daughter, Elizabeth, who are seated behind me.

Senator INHOFE. Which is the wife and which is the daughter? [Laughter.]

Mr. WOODLEY. My other children, my daughter Cornelia, and my son, John Paul, were not able to get away from school today. But they are with us here today in spirit.

Senator INHOFE. That's good. We always like to have the families here.

Mr. WOODLEY. I deeply appreciate the courtesy of the committee for giving me this hearing.

I would ask that my written statement be submitted in the record in its entirety.

Senator INHOFE. Without objection, so ordered.
Mr. Moore, do you have any comments to make?

**STATEMENT OF RICHARD W. MOORE, TO BE INSPECTOR
GENERAL OF THE TENNESSEE VALLEY AUTHORITY**

Mr. MOORE. Mr. Chairman, in addition to my written statement, I would make a few remarks.

Senator INHOFE. That would be fine.

Mr. MOORE. First, I extend my thanks for your scheduling this hearing to consider my nomination to be Inspector General for TVA. I would also like thank President Bush for the trust and confidence that he has placed in me in nominating me for the position of Inspector General of TVA. I would also like to thank Senator Sessions for his kind remarks this morning and for his sponsoring my nomination for this position.

I would say that I am fully aware that there are high expectations for the next Inspector General for TVA, particularly since, as you know, this will be first time that the President has appointed an Inspector General to TVA.

Let me say without equivocation that if I am confirmed to the position I intend to justify the confidence that has been placed in me by maintaining my independence as an Inspector General and using the skills and knowledge that I have acquired as a Federal prosecutor over the past 17 years. Let me also say that I know that it is critical that an Inspector General never compromise his independence, and must avoid even the appearance of compromising his independence.

I am aware of the history behind the enactment of the congressional legislation that enables the President to appoint an Inspector General at TVA. I believe that it is important that an Inspector General be able to stand his ground on issues of importance without fear of recrimination. At the same time I believe it is important that he show due respect, genuine respect, for the organization that he has oversight. The Inspector General's logic must be compelling, his facts irrefutable, and his motives pure. If that is the case, he should be able to win the respect of management.

Finally, Mr. Chairman, I want to assure you and Senator Jeffords that I fully intend to be available for this committee for questions. I will work with you to the best of my ability. I will work to safeguard the assets of TVA and to make it as efficient and effective as possible. I would welcome any questions that either of you might have.

I would ask that my written statement be submitted in the record in its entirety.

Senator INHOFE. Without objection, so ordered.
Mr. James?

**STATEMENT OF RICKY DALE JAMES, TO BE A MEMBER OF THE
MISSISSIPPI RIVER COMMISSION**

Mr. JAMES. My name is R.D. James. I am from New Madrid, Missouri. I appreciate the opportunity to appear before this committee.

I have served the Mississippi River Commission since December 1981. I have done so proudly and it is an honor for me to have that

position. The hearing this morning is to consider my reappointment for a third term. I appreciate appearing before you.

The Mississippi River Commission was founded in 1879 through the foresight of the Congresses before us. The Mississippi River then was mostly untraveled. There were ships and cargo vessels sinking daily, trying to get goods and services up and down through this young country. In 1879, the Mississippi River Commission was formed by an enactment of Congress to take over the Mississippi River and do studies, surveys, and make recommendations to the then Secretary of War—now the Secretary of the Army—for the improvement of the Mississippi River.

That happened for the next 50 years. Then the Great Flood of 1927 came along. Devastation occurred in the lower valley killing thousands of people. Homes were inundated and towns ruined. This Congress at that time passed the Flood Control Act of 1928 and formed the Mississippi River and Tributaries Project. Again, that job was given to the Mississippi River Commission.

The Commission itself is made up of seven members—three officers from the Corps of Engineers, one of whom is President of the Commission. Originally it was an officer from the Coast and Geodetic Survey, now NOAA. A rear admiral serves on the Commission. Then there are three civilians; two by law have to be civil engineers. I happen to be one of those civilians. I am a civil engineer.

Since 1928 the great scope—some \$15 billion worth—in the MR&T Project has taken most of the attention of the Mississippi River Commission. We have not forgotten about the upper reach of the Mississippi River nor its tributaries—the Missouri, the Illinois, the Ohio, as well as the Tennessee and its tributaries.

We continue to work on the MR&T Project. It is some 88 percent complete at this time, and has returned to this Nation between 24–26 benefit/cost ratio, which is hard to beat in any phase of government or private sector.

The 1936 and 1986 Acts of this Congress gave us policy to go by, which we adhere to as a Commission. We report directly to the Chief of Engineers and to the Secretary of the Army with recommendations from the Commission for works that are being carried out individually by the seven districts along the Mississippi River—the Corps of Engineer Districts of St. Paul, Rock Island, St. Louis, Memphis, Vicksburg, and New Orleans.

We have semiannual inspection trips. To me that is the highlight of the year for what I do on the Commission. I think we are one of the only facets of the Federal Government to do this. We go out into the field on the motor vessel “Mississippi” and meet with local entities, State agencies, other Federal agencies, and actually inspect works in which we are trying to complete on the Mississippi River, be it flood control, navigation, or environmental restoration.

We hear their input. We get on the ground. We talk with them on a local level and then take that back to the Corps Districts and ultimately to the President of the Commission for his advice to the Chief of Engineers.

I have enjoyed doing this since 1981. I want to continue to be able to do it. With your support, I will do that. I promise you a job that I like and a job that I want to do.

Thank you very much.

I would ask that my written statement be submitted in the record in its entirety.

Senator INHOFE. Without objection, so ordered.

All right, Mr. James. Thank you very much.

Mr. Moore, Senator Sessions referred to this. In your written statement you have a background in anti-terrorism. As you know, the jurisdiction of this committee has several areas of infrastructure that we are concerned about. The TVA is one of them. Can you say anything about your background in being able to preclude and minimize the risk of a terrorist attack in this jurisdiction?

Mr. MOORE. Mr. Chairman, certainly I would hope that the experience that I have had since September 11 in coordinating the local law enforcement and Federal agents in my district would be helpful in that regard. I can tell you that it will be a matter of great importance to me to scrutinize the security measures that have been taken by TVA and to determine whether or not they are sufficient.

My own experience has been that it is helpful to go beyond traditional law enforcement to make those types of assessments. In my own district I look frankly beyond my district, beyond Alabama, and beyond this country to find expertise to help us. In that regard, I brought from New Scotland Yard and from Belfast, special agents who have been fighting the IRA for the last 30 years. It was my belief that it was helpful to have those agents come in and describe what it was like to fight terrorism in your backyard. Our local law enforcement agents, as well as the FBI, have not had that type of history or that culture. That is one example. I think it is important to do to have innovation in the way you approach this.

Senator INHOFE. Thank you. Mr. James, I mentioned when we first started that we are currently holding a hearing on environmental encroachment on our training ranges. We are going to be having a hearing next week in this committee on the same thing.

We are concerned about the environment. I just want to ask you what you see the role of the Commission in terms of balancing the traditional missions of flood control and navigation on environmental restoration?

Mr. JAMES. I see it as a positive opportunity. Actually, the Commission and the staff of the Corps of Engineers several years ago have begun initiating that environmental restoration. As you know, back in the early days of the Mississippi River Commission that didn't come much into play. We were more concerned about getting this country on its feet and going. Now that we have enjoyed the fruits of our labor, we are able to sit back and think about fixing some of the stuff we may have messed up in times passed.

That is what we intend to do as projects are recommended to this Commission as we go forward by districts of the Corps of Engineers. They will have to contain, as enacted by you the Congress, parts of environmental restoration and husbandry to the environment. I support that 100 percent.

Senator INHOFE. Thank you very much.

Mr. Woodley, the big subject I have for you is the permit process. We have lots of problems in that. We try to correct those with legislation. I could read the legislation that was passed but I think you know what it is. Particularly in terms of the times, what kind of priority will streamlining this permit process enjoy?

Mr. WOODLEY. Mr. Chairman, that will be a very important priority from my office and for the Corps of Engineers moving forward to improve all these bureaucratic and regulatory processes that are in place, always in ways that maintain the integrity of the regulatory process. But I have no question but that in our dealings with the private property owners and the regulated community in general, that there are many ways in which we can improve the processes that we have in place at the present time.

Senator INHOFE. We will be holding your feet to the fire on that one.

Senator Jeffords?

Senator JEFFORDS. Since 1986, the Administration has supported a proposed Water Resources Development Act to Congress every 2 years for its consideration. The Administration failed to submit its proposed legislative package in 2002. When do you anticipate submitting the next Water Resources bill to Congress?

Mr. WOODLEY. Senator, I do not know what the status is on developing that. I know that is a very important piece of legislation. If I were confirmed for this position, I would make it a very important priority to get that legislation forwarded and bring it to the committee.

Senator JEFFORDS. How do you intend to get that done? I am concerned about it; it hasn't been done. How do you anticipate getting it done?

Mr. WOODLEY. I think like any other process of setting priorities in the authorization area, we would work on finding out what our priorities were and submit them to the Congress for their approval.

Senator JEFFORDS. The Corps of Engineers has been the subject of a great deal of controversy over the last several years, including allegations that the Corps "cooked the books" when evaluating the economic justifications for some navigation projects. This has led many Members of Congress to seek reform in the Corps.

Can you describe your philosophy and the Corps reform? How do you plan to incorporate that philosophy into the daily management?

Mr. WOODLEY. Yes, indeed. One great requirement of an agency like the Corps of Engineers is that it enjoy the highest level of public confidence in its evaluation and decisionmaking processes. I believe it is fair to say that the leadership that is in place with General Flowers as the Army Chief of Engineers has, in fact, over the last 18 to 24 months made that a very important priority and has made tremendous strides in that.

I also understand that the submission that has been made for the budget for fiscal year 2004 contains a request for implementing a system of outside independent third party review of the Corps' analysis. I think that is something that has called for and, for instance, is certainly a factor that was called for in the review by the National Academy of Sciences and is a very important component of Corps reform.

Senator JEFFORDS. In January of this year the Corps and the Environmental Protection Agency issued an advanced Notice of Proposed Rule Making on the Clean Water Act regulatory definition of "Waters of the United States."

In response to the Supreme Court decision in the Swank case, is this proposal limited to comments related to isolated intrastate non-navigational waters? Should regulation define "isolated water."

Mr. WOODLEY. Senator, as you say, was a response to the Supreme Court decision which is another example of many that could be brought forward of the Court's wrestling with the limits of Federal jurisdiction in that arena.

I am not intimately familiar with the terms of the Notice. I believe its primary thrust is that arena. I think the nature of these advance notices of proposed rulemaking are more calls for comment to the public. They would ask what the scope should be of any rulemaking in response to this new Supreme Court decision and to other legislative and regulatory developments that may have taken place.

I think it is not inappropriate for the regulatory agencies to take stock in that way. Rather than having the implementation of the Supreme Court decision made piecemeal by litigation in the lower courts across the country that gives them the first cut at it. I think it is not inappropriate for them to come forward with an advanced notice of proposed rulemaking. Its primary thrust is the area that you mentioned. But I think it is not necessarily entirely limited to that.

Senator JEFFORDS. I have one more question.

Senator INHOFE. That's perfectly all right, Senator Jeffords.

Senator JEFFORDS. Mr. Woodley, you have been the Assistant Deputy Under Secretary of Defense for Installations and the Environment since October 2001. Can you tell the committee what your role has been in the development of the Administration's Readiness and Range Preservation Initiative being proposed as part of the 2003 defense authorization bill?

Mr. WOODLEY. Yes, sir. I have worked with other leaders within the Department to add with my counterparts in other Federal agencies to craft an initiative that we felt was sufficient to get the reforms in place that would allow us to manage our military lands but did not go beyond what was necessary for us to manage military lands and our military missions in a way that was environmental responsible.

Senator JEFFORDS. Thank you, Mr. Chairman.

Senator INHOFE. Thank you, Senator Jeffords.

Senator Carper?

Senator CARPER. Mr. Chairman, I have no questions of our witnesses. I simply wanted to stop by and thank you for your willingness to serve in the capacities for which you have been nominated. We look forward to moving forward with your nominations.

Thank you.

Senator INHOFE. Thank you, Senator Carper.

I ask unanimous consent that the statements from the following nominees to be members of the Board of Trustees for the Morris K. Udall Scholarship in Excellence in the National Environment Policy Foundation be included in the record: Mr. Lance Bowdry, Bradley Udall, Richard Narcia, Herbert Genther, and Malcolm Bogety.

Without objection, so ordered.

Does anyone have any comments that they would like to make concerning your nomination?

Mr. JAMES. No, thank you, Mr. Chairman.

Mr. WOODLEY. No, thank you, Mr. Chairman.

Mr. MOORE. No, thank you, Mr. Chairman.

Senator INHOFE. Thank you very much for your service. We will look forward to serving with you in the future.

We are adjourned.

[Whereupon, at 10:03 a.m., the committee was adjourned, to reconvene at the call of the Chair.]

[Additional statements submitted for the record follow:]

STATEMENT OF HON. MAX BAUCUS, U.S. SENATOR FROM THE STATE OF MONTANA

Mr. Chairman, I thank you for holding this hearing on pending nominations. I just ask to insert into the record a brief statement on the nomination of John Paul Woodley, Jr.

My greatest interest in the future activities of the U.S. Army Corps of Engineers concerns the Corps' management of the Missouri River. As the members of this committee are well aware, the management of this vital river system has been the subject of intense debate for well over a decade. Current management of the river is unfair to my State of Montana and in low water years, has a serious negative impact on the economy of my State.

I personally have fought for years to convince the Corps to revise the Master Manual governing its operations on the Missouri River so that Montana and other upstream States are treated more fairly in low water years. Short of revising the Master Manual, I also firmly believe the Corps has far more flexibility in its annual operations on the Missouri River than it has been willing to allow, up to this point.

I recently have asked that the Corps use that flexibility to reduce unsustainable releases from Fort Peck Reservoir. The Corps in the early months of this year was drafting Fort Peck as if this were a normal water year. After 5 years of drought, and what looks to be another dry year—despite some late spring moisture—it defies common sense to call this a normal water year. Fort Peck Lake is reaching record lows. This is devastating to the local fishery and to the vital recreation economy of central and eastern Montana.

Unfortunately, Montana and other upstream States, like North and South Dakota, are bearing the lion's share of the burden of any drought. Our reservoirs are drained to dangerously low levels, our fish and wildlife are harmed, yet the downstream States get the water they need; they get navigation service for virtually the entire so-called navigation "season." The Corps claims they are not being arbitrary and that they are fairly balancing all authorized uses and purposes of the Missouri River system. I am at a loss to see how the Corps can make this claim, when you look at the devastation upstream caused by their operations.

I plan to ask Mr. Woodley several questions about this issue, and I hope I can get his commitment to change the attitude and focus of the Corps when it comes to the Missouri River. We in Montana have suffered enough. We've been fighting over the Master Manual long enough. It's time to take a bold step forward and recognize that the economy, landscape and values that shape the Missouri River basin have changed significantly since the original Master Manual was finalized.

Thank you, Mr. Chairman.

STATEMENT OF RICHARD W. MOORE, NOMINATED BY THE PRESIDENT TO BE
INSPECTOR GENERAL, TENNESSEE VALLEY AUTHORITY

Mr. Chairman, Senator Jeffords, and other distinguished members of the committee, let me offer my appreciation to you for scheduling this hearing.

I would like to thank President Bush for his trust and confidence in nominating me to head the Inspector General's office for TVA. I also extend my thanks to Senator Sessions who sponsored my nomination for this position and who has been both a mentor and a friend over the years. I am fully aware that there are high expectations for the next Inspector General of TVA as this is the first time that an Inspector General for TVA will be appointed by the President. Let me say without equivocation that if I am confirmed to the position, I intend to justify the confidence placed in me by safeguarding the independence that I will have as an Inspector General.

and by using the knowledge and skills that I have acquired as a Federal prosecutor over the last 17 years.

Mr. Chairman, members of the committee, I have no illusions about this job. It has been described as one of the toughest jobs in government. That is so because within the job description of Inspector General are what might be considered by some as inherent conflicts. On the one hand, an Inspector General is necessarily a part of the organization he oversees. His objective and independent evaluations and recommendations can be of great value to management. Consequently, there is a natural tendency for any Inspector General to identify with the agency.

On the other hand, an Inspector General will often find that his work brings him into conflict with management. His reports to Congress and to the public may reflect poorly on management and the organization. How he balances this dual role is likely to influence his effectiveness as an Inspector General.

I believe it is imperative that an Inspector General clearly define how he perceives his role. He should never think that he has been appointed to run the organization; yet he should be available to offer advice that may prevent problems in the future. An Inspector General is in a unique position to speak objectively and to be an agent of positive change.

Most importantly, I believe that an Inspector General must never compromise his independence; and even beyond that, he must avoid even the appearance of compromising his independence. I am aware of the history behind the congressional legislation that was enacted to enable the President to appoint the Inspector General at TVA. It is important that the Inspector General for TVA stand his ground on issues of importance, and he must demonstrate genuine respect for both management and their organization in the process. His logic must be compelling on the issues of importance, his facts irrefutable, and his motives pure. If that is the case, he should win the respect of management; and at the end of the day, they should work with him to implement recommendations that he makes.

Mr. Chairman, members of the committee, I believe that my professional experience as an Assistant United States Attorney has prepared me to assume the role of Inspector General for the Tennessee Valley Authority. At the heart of many of the cases that I have prosecuted over the last 17 years has been fraud against the United States government. These cases have included bank fraud, income tax evasion, insurance fraud, bid rigging on government contracts, kickbacks to government officials, Federal grant money fraud, health care fraud, and racketeering under the Federal RICO statute. In all of these cases, the prosecution of the defendants resulted in public disclosure of wrongdoing which was often necessary to restore integrity to the Federal program involved. In many cases, we were able to forfeit the defendant's assets in order to make restitution to the government.

The complexity of the work at the Tennessee Valley Authority involves many challenges and risks for the organization. Like many organizations, TVA is vulnerable to fraud because of the magnitude of its budget and the scope of its operations. The mission of the Office of Inspector General for TVA should be to hold accountable all those who would prey on this organization. My commitment, if confirmed, will be to aggressively pursue anyone, whether inside or outside of TVA, who cheats the organization. I firmly believe that a truly independent Inspector General can marshal the professional team of investigators and auditors now working in that office to insist on a consistent environment of integrity and accountability at TVA. The Inspector General's office is currently being very ably led by Don Hickman as Acting Inspector General. The current Board of Directors for TVA has expressed their commitment to supporting an independent Inspector General, appointed by the President, and we are in total agreement that perpetrators of fraud against TVA should be vigorously pursued. If confirmed I will work with the management of TVA and the law enforcement community to establish a zero tolerance standard for fraud against TVA.

Of course rooting out fraud against TVA is only part of the mission of the Inspector General. Clearly, the Inspector General can serve a vital role in identifying and promoting economy and efficiency through improved operations. Comprehensive audits of the operations of TVA by the Office of the Inspector General can be of great benefit to TVA in that regard.

Mr. Chairman, members of the committee, there is another area that I believe should be a priority for the next Inspector General at TVA. If confirmed, I pledge to conduct a thorough review of the security measures being taken by the Tennessee Valley Authority to safeguard its infrastructure against a terrorist attack. My work since September 11, 2001, as the Anti-terrorism Task Force Coordinator in our district has confirmed my conviction that the protection of America's assets can be best accomplished through the coordinated efforts of multiple government agencies participating in a focused risk analysis and with clear objectives. My experience in lead-

ing a coalition of law enforcement agencies in my Federal district will, I believe, be useful in working with the various local, State, and Federal agencies within the Tennessee Valley Region to protect the vital assets of the Tennessee Valley Authority.

Finally, Mr. Chairman, I want to assure you and the members of this committee that I will work closely with this committee to safeguard the assets of TVA and to make it as efficient and effective as possible. I can guarantee you my best efforts toward that end.

I would be pleased to answer any questions you may have.

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ROOM 410 DIRKSEN BUILDING

WASHINGTON, DC 20510

INFORMATION

REQUESTED OF PRESIDENTIAL NOMINEES

In order to assist the Committee in its consideration of nominations, each nominee is requested to complete the attached Statement For Completion By Presidential Nominees. The Statement is intended to be publicly available. In the event that a nominee asks that a specific answer be kept confidential, he or she should notify the Chairman and Ranking Member.

The original and forty (40) copies of the requested information should be made available to the Honorable James M. Inhofe, Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC 20510 (Attn: Staff Director) as soon as possible.

Name of Nominee: Richard W. Moore

Business Name: United States Attorney's Office

Business Address: 63 South Royal Street, Suite 600

City, State & Zip: Mobile, Alabama 36602

Business Email: richard.moore@usdoj.gov

Business Phone: (251) 441-5845

Cell Phone: _____

Home Address: 9150 Twin Beech Road

City, State & Zip: Fairhope, Alabama 36532

Home Phone: (251) 928-3030

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Full Legal Name: Richard W. Moore

Position to which nominated: _____
Date of Nomination: Inspector General - TVA , February 4, 2003

Date of birth: 12/5/52 **Place of birth:** Bartow, Florida

Marital status: M **Full name of spouse:** Elizabeth M. Moore

Name and ages of children: Michaela Susan Moore (12 yrs)
John Mark Moore (7 yrs)

Education:

Institution	Dates Attended	Degrees Received	Dates of Degrees
Spring Hill College	1971-1974	BS	1974
Cumberland Law	1974-1977	JD	1977

Employment record:

List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

Position Title	Employer	Address	Dates	Terminated (Y/N)
Laborer	Scott Paper	Mobile, Al.	Summers 1975-1976	No
Associate	Marr & Friedlander	Mobile, Al.	11/77 - 6/79	No
Partner	Sherling, Drinkard Moore	Mobile, Al.	6/79 - 12/80	No
Sole Practitioner	(self)	Mobile, Al.	1/81 - 12/81	No
Associate	Gibbs & Craze	Cleveland, Oh	1/82 - 9/85	No
ALSA	U.S. Attorney's Ofc.	Mobile, Al.	9/85 - present	No

[illegible]

Honors and awards:

List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Date	Honor/Award
April 1997	Performance Award
September 1989	Performance Award
September 1991	Performance Award
1992 - 2002	Senior Litigation Counsel
1997 - 1996	ALLANGLIS Fellowship in Public Policy, Oxford University Oxford, England
July 1999	Special Act Award

Memberships:

List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

[illegible]

Qualifications:

State fully your qualifications to serve in the position to which you have been named.

As an Assistant United States Attorney, I have prosecuted a wide variety of complex fraud cases requiring careful management. I have held management positions within the United States Attorney's Office. I studied the management of complex fraud cases while at Oxford University. I have experience in security matters that will be relevant for TVA's infrastructure.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate. ☒ yes ☐ no

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

☐ yes If so, please explain _____

☒ no

3. Has anybody made a commitment to you for a job after you leave government?

☐ yes If so, please explain _____

☒ no

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

☐ yes

☐ no

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

☒ yes

☐ no

If not, please explain _____

5. Has the Internal Revenue Service ever audited your Federal tax return? if so, what resulted from the audit?

☒ yes if so, please explain Law practice/provided additional receipts
no additional amount owed

☐ no

**Potential conflicts
of interest:**

1. Describe any financial or deferred compensation agreements or other continuing of interest dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

None

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

None

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

N/A

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

Political affiliation and activities:

List all memberships and offices held in, or financial contributions (in excess of \$1,000), and services rendered to any political party or election committee during the last 10 years. N/A

Membership/Office/Political Party	Dates	Amount (if applicable)

Published writings:

List the titles, publishers and dates of any books, articles, or reports you have written. (Please list first any publications and/or speeches that involve environmental or related matters.)

None

Additional Matters:

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

None

2. Do you agree to appear before all Congressional Committees which seek your testimony?

☒ yes

☐ no If not, please explain _____

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

☐ yes If so, please explain _____

☒ no

AFFIDAVIT

Richard W. Moore ss, being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Subscribed and sworn before me this 20th day of February, 2003.

L. Darlene Adams
Notary Public



United States
Office of Government Ethics
1201 New York Avenue, NW, Suite 500
Washington, DC 20005-3917

February 21, 2003

The Honorable James M. Inhofe
Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20510-6175

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Richard W. Moore, who has been nominated by President Bush for the position of Inspector General, Tennessee Valley Authority.

We have reviewed the report and have also obtained advice from the Tennessee Valley Authority concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is a letter dated February 4, 2003, from Mr. Moore to the agency's ethics official, outlining the steps which he will take to avoid conflicts of interest. Unless a specific date has been agreed to, the nominee must fully comply within three months of his confirmation date with the actions he agreed to take in his ethics agreement.

Based thereon, we believe that Mr. Moore is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

Amy L. Comstock
Director

Enclosures

DWilliams/DW (sb)
Moore 278
Read File
Allison Balderston

STATEMENT OF RICKEY DALE JAMES, NOMINATED BY THE PRESIDENT TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION

Mr. Chairman and members of the committee: I am honored to appear before you as the nominee for member of the Mississippi River Commission.

Mr. Chairman, I would like to make a brief statement about the Mississippi River Commission, the Mississippi River and Tributaries (MR&T) project, and my qualifications for the position for which I have been nominated.

The Mississippi River Commission, established by Act of Congress on June 28, 1879, consists of seven members, all of whom are appointed by the President of the United States subject to confirmation by the Senate. Three members are Corps of Engineers officers, one of whom serves as president; one member is from the National Oceanic and Atmospheric Administration; and three members are from the civilian sector, two of whom must be civil engineers.

From its inception in 1879, the Commission has been charged with the vital task of planning and implementing a program of flood damage reduction projects and navigation improvements on the Mississippi River. More recently, project purposes have been expanded to include environmental restoration. This task continues to be conducted in concert with the myriad of political institutions, individuals, and public entities, which have major interests in seeing that the water resources needs and opportunities of the Mississippi Valley are evaluated, planned, designed, constructed, and maintained.

As established in 1879, the Commissioners were to serve as advisors in planning and implementing water resource projects and programs on the Mississippi River between the Head of Passes below New Orleans to its headwaters. Since 1928, the Commission has focused on the Mississippi River and Tributaries project, authorized by the Flood Control Act of May 15, 1928, to be implemented under oversight of the Commission. The MR&T project extends generally from the confluence of the Ohio River to the Head of Passes below New Orleans and covers portions of seven States. It receives water from all or portions of 31 States and part of two Canadian provinces, or roughly 41 percent of the contiguous United States. Effective planning, design, construction, and operation of the widespread and complex MR&T project have been assisted greatly by the Commission's active consultation with the public, particularly on its semiannual lower Mississippi River inspection trips, and by the high degree of professionalism that has been developed in its staff.

The MR&T project is truly of national significance. For example, a major flood on the lower Mississippi River would have catastrophic effects on the inhabitants of the Mississippi Valley and the economy of the Nation were it not for the protection provided by the levees and other flood control works throughout the project area. Many have noted that the comprehensive project on the lower river provided for passage of major floods in 1973, 1983, 1997, and other years without the extensive damage suffered in the upper river area during the 1993 and 1995 flood events.

In addition, the navigation features of the project are essential to maintaining the river for shipping import and export commodities between inland ports and world markets. In short, the navigation features of the MR&T project are essential in peacetime and vital to our national defense in times of emergency.

A reorganization of the U.S. Army Corps of Engineers in April 1997 placed the entire length of the Mississippi River within the Mississippi Valley Division of the Corps of Engineers. The Commander of this Division also serves as President of the Mississippi River Commission. This reorganization allows management of the Mississippi River as a single and unified system and enables the Commissioners to more effectively serve as advisors to the Division Commander and the Chief of Engineers as authorized in the 1879 legislation.

The Commission members have been active as advisors to the Corps on the Upper Mississippi River since the reorganization. The Commission has conducted annual inspection trips on the Upper Mississippi River since August 1997 and held a series of public meetings in the St. Paul, Rock Island, and St. Louis Districts. These meetings are in addition to the semiannual inspection trips and public meetings in the Memphis, Vicksburg, and New Orleans Districts.

Regarding my personal qualifications, I have served on the Mississippi River Commission since December 1981. This confirmation will provide my third consecutive 9-year appointment to this vital Commission. I firmly believe that my experience since 1981 in partnering with local interests, levee boards, and Federal, State, and area agencies and organizations justifies my reappointment to the Mississippi River Commission.

I am a native of Fulton County, Kentucky. I feel that many years of living and working in the New Madrid, Missouri, area and my affiliation with the Commission have given me a vast knowledge of the Mississippi River and the various challenges and issues associated with it. It has been my privilege to meet many people over the years, both in the lower valley and in the upper valley, to discuss with them their concerns regarding this powerful river.

I am a self-employed farmer and manager of cotton gins and grain elevators for the A.C. Riley Cotton Company. I currently serve on the Board of Directors and Executive Committee of the Southern Cotton Ginners Association, Memphis, Tennessee. I am a Board Member of the Cotton Producers of Missouri, Kennett, Missouri, and a Board Member of Osceola Products Company, Osceola, Arkansas, and Kennett, Missouri. I am currently a member of the Board of Directors of the Mercantile Bank of Sikeston, Missouri. In addition, I am a member of the New Madrid County Board of Education and have served as its president since 1985.

I attended Murray State University in Kentucky and received a Bachelor of Science degree in Civil Engineering from the University of Kentucky in 1971 (while employed with the Kentucky Department of Water Resources).

If confirmed to the position, Mr. Chairman, I would look forward to continuing to play a key role in the continual improvement of the Mississippi River system and the MR&T project by applying the most modern practices in water resources engineering. I look forward to reappointment on this Commission that focuses not only on the traditional roles of safely passing the Mississippi River Basin floodwaters to the Gulf of Mexico, but also providing a safe and dependable navigable waterway, and incorporating programs and projects for environmental protection and restoration.

Mr. Chairman, for your information, I have attached a complete personal biography and a current list of members of the Mississippi River Commission. This completes my prepared statement, and I would be pleased to respond to any questions.

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ROOM 410 DIRKSEN BUILDING

WASHINGTON, DC 20510

INFORMATION

REQUESTED OF PRESIDENTIAL NOMINEES

In order to assist the Committee in its consideration of nominations, each nominee is requested to complete the attached Statement For Completion By Presidential Nominees. The Statement is intended to be publicly available. In the event that a nominee asks that a specific answer be kept confidential, he or she should notify the Chairman and Ranking Member.

The original and forty (40) copies of the requested information should be made available to the Honorable James M. Jeffords, Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC 20510 (Attn: Staff Director) as soon as possible.

Name of Nominee: Rickey Dale James

Business Name: R. D. James
Business Address1: P. O. Box 157
Business Address2: 9712 U. S. Hwy. 61
City, State & Zip: New Madrid, MO 63869
Business Email: acrcot3@Sheltonbbs.com
Business Phone: 573-748-5574
Cell Phone: 573-225-5436

Home Address1: 810 Maple Street
Home Address2: _____
City, State & Zip: New Madrid, MO 63869
Home Phone: 573-748-5023

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Full Legal Name: Rickey Dale James

Position to which nominated: Civilian Civil Engineer Member, Mississippi River Commission

Date of Nomination: September 18, 2002

Date of birth: 1/29/1948 Place of birth: Fulton County Kentucky

Marital status: Married Full name of spouse: Virginia Louise Riley James

Name and ages of children: _____

Education:

Institution	Dates Attended	Degrees Received	Dates of Degrees
Murray State Univ.	8/1966-5/1969		
Univ. of Kentucky	8/1969-5/1971	BS Civil Engineer	5/1971

Employment record:

List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

Position Title	Employer	Address	Dates	Terminated (Y/N)
General Manager	A. C. Riley Cotton Co.	9712 U. S. Hwy 61 New Madrid, MO	8/1971-Present	N
Owner/Operator	Self	P. O. Box 157 New Madrid, MO	1/1973-Present	N
General Partner	The Riley James Family Limited Partnership	P. O. Box 157 New Madrid, Mo	1997-Present	N
Trustee	The Albert C. Riley 1st Irrevocable Trust	P. O. Box 157 New Madrid, MO	1983 - Present	N
Trustee	The Albert C. Riley 2nd Irrevocable	P. O. Box 157 New Madrid, MO	1991-Present	N

Position Title	Employer	Address	Dates	Terminated (Y/N)
Trustee	Trust			
Trustee	The Albert C. Riley Trust	P. O. Box 157 New Madrid, MO	1991-Present	N
Director	U. S. Bank	104 East Center Sikeston, MO	1982-Present	N

Honors and awards:

List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Date	Honor/Award
1987	Outstanding Conservation Farmer-New Madrid County Soil and Water Conservation District
1998	Resolution of Appreciation- 18 years service New Madrid County R1 School District

Memberships:

List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
Southern Cotton Ginners Assn.	President, Director	1988-Present
Knights of Columbus		1980-Present
American Legion Post 595		1997-Present
New Madrid Chamber of Commerce		1988-Present
Fraternal Order of Eagles Aerie 4206		1991-Present
New Madrid Country Club	Past Director	1972-Present

Qualifications:

State fully your qualifications to serve in the position to which you have been named.

I am a civil engineer that does no engineering work that might conflict with the Mississippi River Commission. I have 18 years of service as a member of the Mississippi River Commission. I have seen the scope of our work change from strictly navigation and flood control to a broader brush approach of the work to be done, including sustainability and restoration of our environment. I am an individually thinking person with a leadership attitude and try to envelope all aspects of the challenge at hand prior to any decision on my part.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate. ☐ yes ☒ no

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

☐ yes If so, please explain I do not see this as applicable in my case.

☐ no

3. Has anybody made a commitment to you for a job after you leave government?

☐ yes If so, please explain _____

☒ no

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

☒ yes

☐ no

(b) If you have been appointed for an indefinite term, do you have any known limitations on your

willingness or ability to serve for the foreseeable future?

- ☐ yes If so, please explain _____
- ☐ no

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

I have served two Nine Year terms as a member of the Mississippi River Commission. My first nine year appointment began in December, 1981 and the term expired in December 1990 without incident. I was reappointed in April 1991 and served that term ending April 2000 without incident.

**Financial
Statement:**

Note: The Office of Government Ethics will provide the Committee with a copy of your Executive Personnel Financial Disclosure Report (SF-278).

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF-278, Schedule A.

None

2. Are any assets pledged?

- ☐ yes If so, please explain _____
- ☒ no

3. Are you currently a party to any legal action?

- ☐ yes If so, please explain _____
- ☒ no

4. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

- ☒ yes
- ☐ no If not, please explain _____

5. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

☒ yes If so, please explain Routine IRS audit resulting in only minor adjustments to the return.
☐ no

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing of interest: dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

None

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

None

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

N/A

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

I will comply 100% within the laws and regulations.

Political affiliation and activities:

List all memberships and offices held in, or financial contributions (in excess of \$1,000), and services rendered to any political party or election committee during the last 10 years.

Membership/Office/Political Party	Dates	Amount (if applicable)

**Published
writings:**

List the titles, publishers and dates of any books, articles, or reports you have written.
(Please list first any publications and/or speeches that involve environmental or related matters.)

N/A

**Additional
Matters:**

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

2. Do you agree to appear before all Congressional Committees which seek your testimony?

☒ yes

☐ no If not, please explain

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

☐ yes If so, please explain

☒ no

AFFIDAVIT

Rickey Dale James es, being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Subscribed and sworn before me this 10 day of October, 2002.



United States
Office of Government Ethics
 1201 New York Avenue, NW., Suite 500
 Washington, DC 20005-3917

October 21, 2002

The Honorable James M. Jeffords
 Chairman
 Committee on Environment and Public Works
 United States Senate
 Washington, DC 20510-6175

Dear Mr. Chairman:

Under the Ethics in Government Act of 1978, Presidential nominees requiring Senate confirmation who are not expected to serve in their Government positions for more than 60 days in a calendar year are not required to file public financial disclosure reports. The Act, as amended, however, contains a provision in section 101(b) which allows the committee with jurisdiction to request any financial information it deems appropriate from the nominee.

We understand that your committee desires to receive a financial disclosure report from any Presidential nominee for a position on the Mississippi River Commission, along with a written opinion from this Office regarding any possible conflicts of interest. Therefore, I am forwarding a copy of the confidential financial disclosure report (OGE Form 450) of Rickey D. James, who has been nominated by President Bush for the position of Member of the Mississippi River Commission.

We have reviewed the report and have obtained advice from the U.S. Army Corps of Engineers concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is a letter dated October 9, 2002, from Mr. James to the agency's ethics official, outlining the steps that the nominee will take to avoid conflicts of interest. Unless a specific date has been agreed to, the nominee must fully comply within three months of his confirmation date with the actions he agreed to take in his ethics agreement.

Based thereon, we believe that Mr. James is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

Amy L. Comstock
 Director

Enclosures

OGE - 106
 August 1992

STATEMENT OF REAR ADMIRAL NICHOLAS AUGUSTUS PRAHL, NOMINATED BY THE
 PRESIDENT TO BE MEMBER OF THE MISSISSIPPI RIVER COMMISSION

Mr. Chairman and members of the committee: I am honored to appear before you as the nominee for member of the Mississippi River Commission.

Mr. Chairman, I would like to make a brief statement about the Mississippi River Commission, the Mississippi River and Tributaries (MR&T) project, and my qualifications for the position for which I have been nominated.

The Mississippi River Commission, established by Act of Congress on June 28, 1879, consists of seven members, all of whom are appointed by the President of the United States subject to confirmation by the Senate. Three members are Corps of Engineers officers, one of whom serves as president; one member is from the National Oceanic and Atmospheric Administration; and three members are from the civilian sector, two of whom must be civil engineers.

From its inception in 1879, the Commission has been charged with the vital task of planning and implementing a program of flood damage reduction projects and navigation improvements on the Mississippi River. More recently, project purposes have been expanded to include environmental restoration. This task continues to be conducted in concert with the myriad of political institutions, individuals, and public entities which have major interests in seeing that the water resources needs and opportunities of the Mississippi Valley are evaluated, planned, designed, constructed, and maintained.

As established in 1879, the Commissioners were to serve as advisors in planning and implementing water resource projects and programs on the Mississippi River between the Head of Passes below New Orleans to its headwaters. Since 1928, the Commission has focused on the Mississippi River and Tributaries project, authorized by the Flood Control Act of May 15, 1928, to be implemented under oversight of the Commission. The MR&T project extends generally from the confluence of the Ohio River to the Head of Passes below New Orleans and covers portions of seven States. It receives water from all or portions of 31 States and part of two Canadian provinces, or roughly 41 percent of the contiguous United States. Effective planning, design, construction, and operation of the widespread and complex MR&T project have been assisted greatly by the Commission's active consultation with the public, particularly on its semiannual lower Mississippi River inspection trips, and by the high degree of professionalism that has been developed in its staff.

The MR&T project is truly of national significance. For example, a major flood on the lower Mississippi River would have catastrophic effects on the inhabitants of the Mississippi Valley and the economy of the Nation were it not for the protection provided by the levees and other flood control works throughout the project area. Many have noted that the comprehensive project on the lower river provided for passage of major floods in 1973, 1983, 1997, and other years without the extensive damage suffered in the upper river area during the 1993 and 1995 flood events.

In addition, the navigation features of the project are essential to maintaining the river for shipping import and export commodities between inland ports and world markets. In short, the navigation features of the MR&T project are essential in peacetime and vital to our national defense in times of emergency.

A reorganization of the U.S. Army Corps of Engineers in April 1997 placed the entire length of the Mississippi River within the Mississippi Valley Division of the Corps of Engineers. The Commander of this Division also serves as President of the Mississippi River Commission. The reorganization now allows management of the Mississippi River as a single and unified system and enables the Commissioners to more effectively serve as advisors to the Division Commander and the Chief of Engineers as authorized in the 1879 legislation.

The Commission members have been active as advisors to the Corps on the Upper Mississippi River since the reorganization. The Commission has conducted annual inspection trips on the Upper Mississippi River since August 1997 and has held a series of public meetings in the St. Paul, Rock Island, and St. Louis Districts each year. These meetings are in addition to the semiannual inspection trips and public meetings in the Memphis, Vicksburg, and New Orleans Districts.

With regards to my personal qualifications, I have served as a member of the National Oceanic and Atmospheric Administration (NOAA) Commissioned Corps for 33 years next month. I have commanded and managed at several levels during my career. Many of these assignments are relevant to my pending confirmation. Since June 1999, I have served as Director, Marine Operations Center, NOAA Marine and Aviation Operations, where I have the responsibility for the management of NOAA's fleet of 17 research and survey vessels operating out of marine centers, laboratories and port offices from Honolulu, Hawaii, to Woods Hole, Massachusetts. These ships support NOAA's critical mission requirements for nautical charting, fisheries research and stock assessment, and oceanographic research.

In field assignments, I have served on the NOAA ships McARTHUR, GEORGE B. KELEZ, WHITING, FAIRWEATHER, and MT MITCHELL, the latter as Commanding Officer. These vessels were involved in nautical charting, marine ecosystem oceanography, and geophysical surveys.

In assignments ashore I have been responsible for processing geophysical survey data, the research and operational planning of a comprehensive marine ecological assessment of the New York Bight, and implementing bilateral agreements in cooperative oceanographic research with the Soviet Union and France. Later, I was Chief of the Planning Division of the National Ocean Survey, at the time one of NOAA's line offices.

Over the past 15 years, I have served as the Deputy Director of the Coast and Geodetic Survey where I was responsible for assisting the Director in the management of the Nation's nautical and aeronautical charting and geodesy programs. Fol-

lowing that assignment, I served as Chief of the Marine Chart Division with the responsibility for the production of the Nation's suite of nautical charts, bathymetric maps and related navigational products and services. Following Command aboard Mt MITCHELL, I returned to headquarters as the Deputy and then Acting Director of the Office of Coast Survey. In that position, I was the National Hydrographer responsible for the Nation's nautical charting program from data collection to chart production.

As a designated member of the Mississippi River Commission since May 1999, I have accompanied the Commission on high and low water inspection trips of the Mississippi River and Tributaries and have participated in the public meetings held by the Commission over the past three and half years. This experience has given me considerable insight into the importance of the Mississippi River and its Tributaries as a National resource for transportation and recreation. Also, I have come to understand and appreciate the need for a balanced approach in resolving the often conflicting requirements for flood control, navigation, and environmental protection and restoration.

I am a native of Massachusetts, and received a bachelor's degree from Harvard University in geology in 1967. I later received master's degrees from the University of Colorado in geology in 1969 and The Johns Hopkins University in computer science in 1986.

I believe my background and experience qualify me for an appointment to the Mississippi River Commission. If confirmed to the position, Mr. Chairman, I would look forward to playing a role in the continual improvement of the Mississippi River system and the MR&T project by recommending, through the Commission's oversight responsibilities, the application of the most modern practices in water resources engineering. I would also look forward to being part of a Commission that focuses not only on the traditional roles of safely passing the Mississippi River Basin floodwaters to the Gulf of Mexico and providing a safe and dependable navigable waterway, but also incorporating programs and projects for environmental protection and restoration.

Mr. Chairman, for your information, I have attached a complete personal biography and a current list of members of the Mississippi River Commission.

This completes my prepared statement, and I would be pleased to respond to any questions.

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ROOM 410 DIRKSEN BUILDING

WASHINGTON, DC 20510

INFORMATION

REQUESTED OF PRESIDENTIAL NOMINEES

In order to assist the Committee in its consideration of nominations, each nominee is requested to complete the attached Statement For Completion By Presidential Nominees. The Statement is intended to be publicly available. In the event that a nominee asks that a specific answer be kept confidential, he or she should notify the Chairman and Ranking Member.

The original and forty (40) copies of the requested information should be made available to the Honorable James M. Jeffords, Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC 20510 (Attn: Staff Director) as soon as possible.

Name of Nominee: Rear Admiral Nicholas Augustus Prah, NOAA

Business Name: Director, Marine Operations Center

Business Address1: Office of Marine and Aviation Operations, Marine Operations Center, NOAA

Business Address2: 439 West York Street

City, State & Zip: Norfolk, VA 23510-1114

Business Email: Nick.Prah@noaa.gov

Business Phone: 757-441-6776

Cell Phone: 757-638-7118

Home Address1: 5104 Tanglewood Court

Home Address2: _____

City, State & Zip: Suffolk, VA 23435

Home Phone: 757-638-1452

[illegible]

Honors and awards:

List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Date	Honor/Award
1978, 1982, 1984, 1990, 1990, 1992, 1995, 1996, 1997, 1998	NOAA Corps Special Achievement Awards (Monetary Awards, \$400-\$5000)
1987	NOAA Corps Director's Ribbon
1976	Society of Military Engineers Karo Award
1976	NOAA Unit Citation

Memberships:

List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
The Hydrographic Society	N/A	1996-1997
The Hydrographic Society of America	N/A	1996-1997
The Society of American Military Engineers	N/A	1989-1990
Town Point Club, Norfolk, VA	N/A	2000 - present

Qualifications:

State fully your qualifications to serve in the position to which you have been named.

The 1879 Law which created the Mississippi River Commission specifies that the 7 person membership include a member from US Coast and Geodetic Survey. NOAA now contains the components of the Coast and Geodetic Survey within NOAA's National Ocean Service (NOS).

Although I now manage NOAA's fleet of research and survey vessels, most of my career has been in the Coast and Geodetic Survey and its successor organizations. I have held the following senior positions with responsibility for NOAA's mapping and charting activities: Deputy Director of the Coast and Geodetic Survey (8/88-8/91), Chief of the Marine Chart Division (8/91-2/94), Commanding Officer, NOAA Ship MT MITCHELL (charting vessel, 2/94-5/95), Deputy Director, Coast Survey (5/95-4/98), and Acting Director Coast Survey (4/98-2/99). Note that the Coast and Geodetic Survey was disestablished in the 1994-95 time frame to remove management layers. But, its components remained in NOAA's National Ocean Service.

Before the Coast and Geodetic Survey was dissolved in 1994-95, the Director of the Coast and Geodetic Survey (NOAA Corps Rear Admiral upper half) was always the nominee for the Mississippi River Commission. Now the nominee is a NOAA Corps flag officer with a substantial background in NOAA's mapping and charting programs (i.e. the surviving components of the Coast Geodetic Survey). The Mississippi River Commission responsibility is considered a collateral duty of the selected flag officer. NOAA Corps flag officers, and flag officers from the predecessor commissioned services of the US Environmental Science Services Administration (USESSA), and US Coast and Geodetic Survey (USC&GS) have served as the "Coast and Geodetic Survey" member of the Mississippi River Commission for most of the 20th century.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate. ☐ yes ☒ no

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

☒ yes If so, please explain. Although I have no specific position in mind, I may consider the possibility of hiring back with NOAA as a civilian after I retire from the NOAA Corps

☐ no

3. Has anybody made a commitment to you for a job after you leave government?

☐ yes If so, please explain _____

☒ no

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

☒ yes

☐ no

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

☒ yes If so, please explain The only limitation will be my continued active duty service in the NOAA Corps which is anticipated to end on June 1, 2003. As noted above, membership as a Commissioner on the Mississippi River Commission is considered a collateral duty of the selected NOAA Corps Flag Officer.

☐ no

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

N/A

Financial Statement:

Note: The Office of Government Ethics will provide the Committee with a copy of your Executive Personnel Financial Disclosure Report (SF-278).

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF-278, Schedule A.

N/A

2. Are any assets pledged?

☐ yes If so, please explain _____

☒ no

3. Are you currently a party to any legal action?

☐ yes If so, please explain _____

☒ no

4. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

☒ yes

☐ no If not, please explain _____

5. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

☐ yes If so, please explain _____

☒ no

**Potential conflicts
of interest:**

1. Describe any financial or deferred compensation agreements or other continuing of interest: dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

N/A

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

N/A

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

N/A

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

N/A

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

N/A. Since my membership on the Commission is only in effect while I am an active duty NOAA Corps flag officer, there will be no change in my status with respect to conflict of interests. Therefore, this is "Not Applicable."

**Political affiliation
and activities:**

List all memberships and offices held in, or financial contributions (in excess of \$1,000), and services rendered to any political party or election committee during the last 10 years.

Membership/Office/Political Party	Dates	Amount (if applicable)

**Published
writings:**

List the titles, publishers and dates of any books, articles, or reports you have written.
(Please list first any publications and/or speeches that involve environmental or related matters.)

NOAA Technical Memorandum ERL AOML-20, Gravity Equipment Evaluation Range Off Cape Kennedy, Florida, B. G. Bassinger, N. A. Prah, 1973.

NOAA Technical Memorandum NOS GDR-2, West Coast Continental Shelf Bottom Gravity Measurements Cape Flattery to Santa Cruz, 1971 NOAA Ship McARTHUR, N.A.Prah, G.B.Mills, 1974

SEA TECHNOLOGY, June 1993, The Nautical Chart - Time for a New Paradigm, Capt. Nicholas A. Prah, and Howard P. Danley.

1996 Radio Technical Commission Maritime Annual Meeting, May 1996, and 1996 Canadian Hydrographic Conference, June 1996, Office of Coast Survey Modernization Plan, Captain Nicholas A. Prah.

1997 Radio Technical Commission Maritime Annual Meeting, May 1996, Coast Survey Modernization - An Update, Captain Nicholas A. Prah

SEA TECHNOLOGY, June 1998, Raster Nautical Charts: Staying the Official Course, Capt. Nicholas A. Prah.

**Additional
Matters:**

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

N/A

2. Do you agree to appear before all Congressional Committees which seek your testimony?

☒ yes

☐ no If not, please explain

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

☐ yes If so, please explain _____

☒ no

AFFIDAVIT

[Signature] ss, being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Subscribed and sworn before me this 15 day of October, 2002.

[Signature]
Notary Public
Expires Dec. 31, 2005



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

October 25, 2002

The Honorable James M. Jeffords
Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20510-6175

Dear Mr. Chairman:

Under the Ethics in Government Act of 1978, Presidential nominees requiring Senate confirmation who are not expected to serve in their Government positions for more than 60 days in a calendar year are not required to file public financial disclosure reports. The Act, as amended, however, contains a provision in section 101(b) which allows the committee with jurisdiction to request any financial information it deems appropriate from the nominee.

We understand that your committee desires to receive a financial disclosure report from any Presidential nominee for a position on the Mississippi River Commission, along with a written opinion from this Office regarding any possible conflicts of interest. Therefore, I am forwarding a copy of the confidential financial disclosure report (OGE Form 450) of Nicholas A. Prah, who has been nominated by President Bush for the position of Member of the Mississippi River Commission.

We have reviewed the report and have obtained advice from the U.S. Army Corps of Engineers concerning any possible conflict in light of its functions and the nominee's proposed duties.

Based thereon, we believe that Mr. Prah is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

Amy L. Comstock
Amy L. Comstock
Director

Enclosure

OGE-106
August 1992

STATEMENT OF JOHN PAUL WOODLEY, JR., NOMINATED BY THE PRESIDENT TO BE
ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

Mr. Chairman, members of the committee: I am mindful of the confidence expressed in me by President Bush and Secretary Rumsfeld in submitting my name in nomination for this important post.

The Army Corps of Engineers, in its Civil Works function, encompassing navigation, flood control, water resource development, and environmental improvements, has for 200 years contributed greatly to the prosperity and well-being of our Nation.

In the course of my visits with many of you over the past few weeks, the issue of the organization of the Corps of Engineers, and whether some of its missions and functions should be privatized or shifted to other agencies of the government has been very prominent.

I think it would be appropriate for me to make clear what my views are on this matter.

In Section 109 of the Omnibus Appropriations Act for 2003, Congress has spoken with extraordinary clearness and directness on this question. That section directs that the transfer of Corps of Engineers missions and functions should not be implemented or even studied without further direction by Congress.

I do not have any plans or intentions that are inconsistent with Section 109.

If in the future I have ideas to improve the operations of the Corps of Engineers civil works function, The Secretary of Defense has been clear on the importance of consulting with Congress as an important first step. I promise you full and open communications and consultation.

I deeply appreciate the courtesy of the committee and if confirmed I look forward to working with the Chairman and all members to address the vital navigation, flood control, water resource, and environmental challenges of the Nation.

Thank you, Mr. Chairman.

STATEMENT OF ROBERT LANCE BOLDREY, NOMINATED BY THE PRESIDENT TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Mr. Chairman and members of the committee, thank you for the opportunity to provide this statement in support of my nomination to be a member of the Board of Trustees of the Morris K. Udall Foundation. I am honored and grateful that President Bush saw fit to nominate me to this position and, if confirmed, look forward to continuing my public service by helping to advance the mission of the Udall Foundation.

My professional career and personal background has provided me with valuable experience and perspective to bring to the Udall Foundation. I grew up in northern rural Michigan close to the shores of Lake Michigan. Following my undergraduate education at James Madison College of Michigan State University, I earned a law degree from the Duke University School of Law. I then returned to Michigan, where I practiced in the Government and Commerce department of a mid-size Capitol city law firm, before joining the Republican policy staff of the Michigan House of Representatives.

In 1999, at the outset of former Governor John Engler's final term, I was honored with the opportunity to join Governor Engler's administration as his Deputy Legal Counsel. During my tenure in the Governor's office, I was responsible for managing all aspects of the State of Michigan's relationship with 12 federally recognized Indian tribes. Like most States, Michigan did have its disputes with the sovereign tribal governments located within its borders. I am proud, however, of the role I played in minimizing these disputes, in emphasizing cooperation over conflict, and in laying the groundwork for a more beneficial relationship in the future.

While serving in the Governor's office, I wrote the first ever Governor's Policy Statement on State-Tribal Affairs and created the position of Governor's Advisor on State-Tribal Affairs, in which I served until the end of Governor Engler's term. I negotiated a State-Tribal Accord that emphasizes consultation and cooperation between the State and tribal governments and that will guide the relationship between these governments into the future. That Accord was signed by Governor Engler and the State's tribal leaders in 2002. Also in 2002, I organized the second of two annual State-tribal summits between the Governor's Cabinet and all of Michigan's tribes. These were the first such summits to take place in Michigan, but hopefully will be the first of many.

In addition to advocating for a closer and more cooperative relationship between the State and tribes, and helping to set in place the framework for the further development of that relationship, I led the State executive office in negotiating two landmark agreements that evidence the benefits of such a relationship. In 1999 and 2000, I helped lead negotiations between the State and five tribes for a conservation-based consent decree governing State and tribal fishing in the Great Lakes. This decree brought settlement to nearly thirty years of divisive litigation and even more importantly put in place conditions that allow for the rehabilitation of native lake trout.

During my time in the Governor's office, I also helped lead negotiations for comprehensive State-tribal tax agreements that were signed last year. I also led efforts to educate members of the business and retailer community and to garner their support for legislative ratification of these agreements. While a number of States and tribes have reached agreements concerning tobacco and motor fuels taxes, Michigan and its tribes are the first to reach agreement as to the administration and applica-

bility of all State and tribal taxes to transactions involving tribes and tribal members. These agreements not only put to rest complex and often divisive tax issues, but also provide economic certainty that is of great benefit to tribes seeking to lure economic development and diversify tribal economies.

Now that Governor Engler's term has ended, I have returned to the private sector, where I will head the Indian law practice at the law firm of Dykema Gossett, PLLC. I am excited that my new career will allow me to continue my efforts to both foster cooperation between tribes and other governments and bring greater economic opportunities to tribes and tribal members. Although the work of the Udall Foundation, in part, also provides leadership training and consultation to tribal leaders, neither my new role nor my prior position with Governor Engler has given rise to any matters that might place me in a conflict of interest if I am confirmed to the Board of Trustees for the Udall Foundation.

I believe that my professional focus on promoting cooperation and negotiation as the best means to resolve conflicts is an outlook that fits well with the mission of the Udall Foundation, as well as with the U.S. Institute for Environmental Conflict Resolution managed by the Udall Foundation. My background allows me to bring to the Udall Foundation personal experience to emphasize the gains that can be achieved within Indian Country by cooperation and negotiations between tribal and State governments, conducted in an atmosphere of mutual respect for one another's sovereign status. I can also bring to the Udall Foundation the perspective of tribal and State governments from the Midwest, whose issues often differ from governments in Western States but are no less important to the Udall Foundation's activities. Finally, as a Republican who has worked closely with leaders of the business community on numerous issues, it is my hope to promote the Udall Foundation's activities to an audience that can both benefit from and assist those initiatives.

In conclusion, I would greatly appreciate the support of the Committee on Environment and Public Works and the U.S. Senate as I seek to continue public service as a member of the Board of Trustees of the Udall Foundation. I will, of course, appear as a witness at the request of any duly constituted committee of the Congress and, as noted above, do not know of any matters that might place me in a conflict of interest if I am confirmed to this position. Thank you for the opportunity to submit this statement and for your kind consideration.

STATEMENT OF MALCOLM BOWEKATY, NOMINATED BY THE PRESIDENT TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

I, Malcolm B. Bowekaty, hereby state to the Senate Committee on Environment and Public Works that I am willing to appear at the request of any duly constituted committee of Congress as a witness. Furthermore, I know of no matters currently that would put me in a conflict of interest with the Board of Trustees should I be confirmed by the Senate Committee on Environment and Public Works.

I believe that I will fulfill the position with honor and dignity. I sincerely appreciate the opportunity to serve on the Board of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

STATEMENT OF HERBERT R. GUENTHER, NOMINATED BY THE PRESIDENT TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Dear Mr. Chairman: Thank you for the opportunity to respond to the Senate Environment and Public Works Committee's questions.

1. I would be honored to appear before any constituted committee of the Congress as a witness.

2. To my knowledge, I am without conflict of interest in the position I am being considered for with the Morris K. Udall Foundation.

I would be happy to provide any additional information you may desire.

STATEMENT OF RICHARD P. NARCIA, NOMINATED BY THE PRESIDENT TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

I am forwarding this statement in support of my nomination to the Morris K. Udall Foundation Board of Trustees. I consider it a tremendous honor to be nominated by President Bush to become a member of such a prominent board. The mis-

sion and role of the Udall Foundation is essential in developing strong public policy in the area of the environment and Federal Indian policy and is essential to our national well being.

My name is Richard P. Narcia. I am a member of the Gila River Indian Community (the Community) and currently serve as Governor of the Community. In this capacity I deal with, on a daily basis, many of the same complex issues that the Foundation was created to study and provide solutions to. I am very anxious and excited to have a part in developing comprehensive and cohesive policies that impact the environment and Federal Indian policy. As a Native American, and tribal leader, the sustainability of our environment within the context of all other competing demands is not only a duty, but also, a necessary task we all strive to achieve.

One important aspect of the Foundation is to provide opportunities to qualified Native American students to participate in diverse and educational experiences. As a member of the Board I look forward to enhancing these opportunities for students who interested in further studies and professions in the fields of the environment and Federal Indian policy.

Mr. Chairman, as per your request, in a letter dated March 17, 2003, two questions were included to be answered:

1. Are you willing to appear at the request of any duly constituted committee of the Congress as a witness?

I am and will make myself available to any committee as requested.

2. Do you know of any matter which you may or may not have thus far disclosed which might place you in any conflict of interest if you are confirmed in this position?"

At this time, I am not aware of any matter that would place myself in a circumstance of a conflict of interest. However, in the future, if a potential conflict does arise, I will recuse myself from the relevant decisionmaking process of the Board.

Thank you for your considering of my nomination. If referred by this committee to the full Senate for confirmation, I pledge to work in the best interest of the Foundation and our Nation.

STATEMENT OF BRADLEY HUNT UDALL, NOMINATED BY THE PRESIDENT TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Dear committee members: In lieu of appearing before the committee to support my nomination for the board of the Udall Foundation, I am supplying the following statement as requested by the committee in a letter of March 17, 2003.

1. Are you willing to appear at the request of any duly constituted committee of the Congress as a witness?

Answer: Yes.

2. Do you know of any matters which you may or may not have thus far disclosed which might place you in any conflict of interest if you are confirmed in this position?

Answer: Since my original statement to the committee, I have recently been employed by the University of Colorado as the Managing Director of the Western Water Assessment. This position is funded by the National Oceanic and Atmospheric Administration's Office of Global Programs and is part of OGP's Regional Integrated Sciences and Assessments Program. RISAs are experimental programs designed to study climate variability and climate change, and to make sure that government climate research is usable by local decisionmakers at the regional level. There are 6 RISA programs around the country.

There are informal ties between the RISA program at the University of Arizona and the Udall Center at the University of Arizona. There are informal and formal ties between the Udall Center and the Udall Foundation. The Udall Foundation has, to the best of my knowledge, no relationship with the UA RISA program.

In the course of my work I will have professional communication with the UA RISA program. Given the nature of these relationships it is extremely unlikely that this professional relationship could lead to a conflict of interest with my position on the board of the Udall Foundation. Nevertheless, I feel it is important to disclose this relationship.

I will be vigilant in monitoring my activities for any possible conflict of interest. I stand by my previous statement to the committee about how I would deal with a potential conflict. This is what I said in my previous statement:

3. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

The first step in avoiding any conflict, or appearance of a conflict of interest, is staying aware of situations in which such conflicts can arise. I intend to be diligent in monitoring my activities with respect to Foundation transactions so that any such conflicts can be identified quickly. Annual training offered by the Foundation will be helpful in this regard. Once a conflict or appearance of a conflict is identified, the second step is disclosure to the Chairman of the Board, and to Foundation staff, including the Designated Agency Ethics Officer, so that appropriate action can be taken. In most cases, when a conflict or apparent conflict is determined to exist, recusing myself from the relevant discussion and decisionmaking should be adequate. Although I cannot envision any such circumstances, I am prepared to resign my position if necessary to protect the reputation and integrity of the Foundation.

